



**Federal Communications Commission
Washington, D.C. 20554**

December 3, 2002

DA 02-3323

Statesboro High School
10 Lester Road
Statesboro, Georgia 30458

Re: Instruction Television Fixed Service
Station WLX601, Bloomingdale, GA.

Dear Licensee:

This letter addresses the status of the construction permit issued to Statesboro High School (Statesboro) for Instructional Television Fixed Service (ITFS) Station WLX601, Bloomingdale, GA. For the reasons stated below, we are deleting the construction permit for Station WLX601 from the Commission's licensing database, and dismissing your pending application for major modification of the facilities for Station WLX601, FCC File No. BMPLIF-950914IU. In addition, we are dismissing as moot a petition to dismiss or deny the aforementioned modification application, which was filed by Savannah College of Art and Design and Wireless Cable of Florida, Inc. ("Petitioners") on June 11, 1998.¹

The Commission's licensing records indicate that the underlying application for Station WLX601 was granted on July 24, 1992.² On September 14, 1995, Statesboro filed an application for major change to the construction permit.³ Subsequently, the Commission's Mass Media Bureau granted Statesboro four extensions of time to complete construction of the authorized facilities.⁴ The last extension expired on March 18, 1997. Further, the Commission's licensing records do not reflect the filing of a request for further extension of time to construct Station WLX601 on or before March 18, 1997.

Section 73.3534(e) of the Commission's rules provides, "[a] construction permit for an Instructional Television Fixes Service station shall be declared forfeited if the station is not ready for operation within the time specified therein or within such further time as the FCC may have allowed for completion. . . ."⁵ Further, as a condition of its license, Statesboro was required to timely file an

¹ Petition to Dismiss or Deny (filed by Petitioners on June 11, 1998) (Petition).

² File No. BPIF-19911223DA.

³ File No. BMPLIF-950914IU.

⁴ Effective March 25, 2002, the Commission transferred regulatory functions for the Instructional Television Fixed Service and the Multipoint Distribution Service/Multichannel Multipoint Distribution Service from the Mass Media Bureau to the Wireless Telecommunications Bureau (Bureau). *See* Radio Services Are Transferred From Mass-Media Bureau to Wireless Telecommunications Bureau, *Public Notice*, 17 FCC Rcd 5077 (2002). Accordingly, the Bureau's Public Safety and Private Wireless Division assumed all regulatory duties associated with these services effective March 25, 2002. *Id.*

⁵ *See* 47 C.F.R. § 73.3534 (e).

application for license to cover construction permit upon the completion of station construction.⁶ Based on our review of the licensing records for Station WLX601, we hereby declare the station's construction permit forfeited as of March 18, 1997 due to Statesboro's failure to request a further extension of its construction permit and the apparent incompleteness of station construction and lack of operation on or before that date. Accordingly, we are directing the Division's Licensing and Technical Analysis Branch to dismiss Statesboro's pending application for major modification of the construction permit for Station WLX601. As a result, we hereby dismiss the Petitioners' petition to dismiss or deny that modification application as moot.

Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 73.3534(a) of the Commission's Rules, 47 C.F.R. § 73.3534 (a), that the license for ITFS Station WLX601, Bloomingdale, Georgia, is DEEMED FORFEITED as of March 18, 1997.

IT IS FURTHER ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 73.3568 of the Commission's Rules, 47 C.F.R. § 73.3568, that the Licensing and Technical Analysis Branch SHALL DISMISS File No. BMPLIF-950914IU.

Finally, IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309 and Section 74.912 of the Commission's Rules, 47 C.F.R. § 74.912, that the Petition to Dismiss or Deny filed by Savannah College of Art and Design on June 11, 1998 is DISMISSED AS MOOT.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

⁶ See 47 C.F.R. § 73.3536.

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